

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

-----  
**IN RE YASMIN AND YAZ (DROSPIRENONE)  
MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION**  
-----

**X**

**3:09-md-02100-DRH-PMF  
MDL No. 2100**

**Judge David R. Herndon**

*Renee Y. Seyssel v. Bayer HealthCare  
Pharmaceuticals Inc., et al.* No. 3:14-cv-10227-  
DRH-PMF

**HERNDON, District Judge:**

**ORDER GRANTING WITH PREJUDICE DISMISSAL PURSUANT TO CMO 79**

On December 22, 2015, Bayer moved to dismiss the claims of the above captioned plaintiff, with prejudice, pursuant to Section III of Case Management Order 79 (“CMO 79”) (Doc. 6). Pursuant to CMO 79, the plaintiff had 14 days to file an opposition to Bayer’s motion to dismiss. Plaintiff did not timely respond.

On August 17, 2016, plaintiff’s attorney was granted leave to withdraw as plaintiff’s counsel of record (Doc. 10). In light of the withdrawal of plaintiff’s attorney, the Court granted the plaintiff an extension, until September 14, 2016, to respond to the pending motion to dismiss.<sup>1</sup> The Court warned the plaintiff that failure to timely respond would result in a with prejudice dismissal of this action. See Doc. 10 ¶ 2 and CMO 79 § III ¶ 5(b) (Case Management Order 79 provides

---

<sup>1</sup> The Court also allowed the plaintiff until September 13, 2016, to locate new counsel (Doc. 10).

that failure to timely file an opposition “will result in an automatic dismissal with prejudice.”).

Despite the lengthy extension, the above captioned plaintiff has failed to timely respond. Accordingly, the above captioned action is subject to automatic dismissal with prejudice.

The Court therefore **GRANTS** the motion to dismiss the claims of the above captioned plaintiff. The above captioned action is **DISMISSED WITH PREJUDICE. FURTHER, the Court DIRECTS the Clerk to enter judgment.**

**IT IS SO ORDERED.**

**Signed this 22nd day of November, 2016.**

 Judge Herndon  
2016.11.22  
09:23:33 -06'00'  
  
**United States District Judge**